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In re Application of  
DEL SOLDATO, Pierro  
U.S. Application No.: 10/509,675  
PCT No.: PCT/EP03/03183  
Int. Filing Date: 27 March 2003  
Priority Date: 11 April 2002  
Attorney's Docket No.: 026220-00055  
For: DRUGS FOR THE ARTHRITIS  
TREATMENT

**DECISION**

The decision is in response to applicant's "Renewed Petition Under 37 C.F.R. §1.47(b)" filed on 24 May 2006.

**BACKGROUND**

On 14 April 2006, a decision dismissing applicant's petition under 37 CFR 1.47(b) was mailed. Petitioner failed to meet items (4) and (5) of 37 CFR 1.47(b).

On 24 May 2006, petitioner filed a renewed petition which was accompanied by a declaration signed by Giovanna Barchielli for the nonsigning inventor and a "Declaration of Mr. Michele Garufi."

**DISCUSSION**

In the petition filed 07 September 2005, the 37 CFR 1.47(b) applicant failed to satisfy items (4) and (5) of 37 CFR 1.47(b).

Concerning item (5) of 37 CFR 1.47(b). The decision dated 14 April 2006 noted that a letter a person having firsthand knowledge that the invention was made by Dr. Del Soldato during the period of employment and within the scope of duties contemplated by the employment agreement was all that was needed to meet this requirement.

In the renewed petition, the 37 CFR 1.47(b) applicant submitted a declaration by Mr. Michele Garufi, the CEO of Nicox S.A., who verifies that the above-identified invention was made by Dr. Del Soldato as the sole inventor and the subject matter was within the scope of his duties. This is sufficient to meet the deficiencies noted.

The 37 CFR 1.47(b) applicant has now provided enough evidence to meet the requirements of section 409.03(f) of the MPEP to show that the 37 CFR 1.47(b) applicant has sufficient proprietary interest in the above-captioned application.

Item (5) of 37 CFR 1.47(b) is now satisfied.

Concerning item (4), petitioner submitted a declaration signed by Giovanni Barchielli for the nonsigning inventor, Piero Del Soldato. The name, residence, citizenship and post office address of the nonsigning inventor was listed on the declaration as required. However, this information was stricken on the declaration and replaced by information for Giovanna Barchielli. There was no position or title for Mr. Barchielli recorded on the declaration. There was also no specific authorization allowing Mr. Barchielli to sign for the 37 CFR 1.47(b) applicant in any of the papers submitted.

This declaration does not meet the requirements of 37 CFR 1.497, 37 CFR 1.63 or sections 324 and 409.03(b)(A) and of the MPEP.

The information for the nonsigning inventor must not be stricken on the declaration. This information is required by 37 CFR 1.497(a) and 37 CFR 1.63. The required information for the person signing on behalf of the nonsigning inventor pursuant to 37 CFR 1.47 should be listed below the information for the nonsigning inventor. 37 CFR 1.497(b)(2) also requires that the relationship of the person to the inventor be recorded if signed pursuant to 37 CFR 1.47. Moreover, section 409.03(b) notes that the title or position of the person signing must be recorded on the declaration if signing on behalf of a corporation under 37 CFR 1.47(b). If the declaration is being signed on behalf of an assignee, the requirements of section 324 of the MPEP apply. None of this information was contained in the declaration.

For this reason, item (4) of 37 CFR 1.47(b) is still not satisfied.

### **CONCLUSION**

For the reason listed above, the renewed petition under 37 CFR 1.47(b) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are available.

Any further correspondence with respect to this matter deposited with the United States Postal Service should be addressed to the Mail Stop PCT, Commissioner for

Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia  
22313-1450, with the contents of the letter marked to the attention of the Office of PCT  
Legal Administration.

A handwritten signature in black ink that reads "James Thomson". The signature is written in a cursive style with a large, stylized "J" and "T".

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